

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Revenue Department – Nalgonda District - Allegation of corruption against Sri P. Shankaraiah, Tahsildar, Shaligouraram Mandal, Nalgonda District – Trapped on 03.06.2008 - Charge sheeted in a court of law – Acquitted by Addl. Spl. Judge for SPE & ACB Cases, Hyderabad in CC No.22/2009 - Criminal Appeal filed before the High Court of A.P – Certain representation filed by the retired Tahsildar - Regularisation of suspension period from 3.6.2008 to 31.1.2009 as “not on duty” and sanction of pension and pensionary benefits, subject to outcome of the Criminal Appeal pending before the A.P. High Court - Orders – Issued.

REVENUE (VIGILANCE- II) DEPARTMENT

G.O.Rt.No. 2

Dated:02.01.2014.

Read the following:-

1. From the Deputy Superintendent of Police, ACB, Hyderabad Range, Hyderabad, Radio Message, dt:4.6.2008.
2. Proceedings No.A1/6390/08, Dated: 5.6.2008 of the Dist. Collector, Nalgonda.
3. From the DG, ACB, Letter Rc.No.134/RCT-HND/2008, Dated: 15.11.2008.
4. Govt. Memo No.28933/Vig. II(2)/2008-2, Revenue(Vig.II) Department, Dt: 30.6.2009.
5. Judgement of 1st Additional Special Judge for SPE and ACB Cases, City Civil Court, Hyderabad, dated:31.12.2012 in CC No. 22/2009.
6. From the DG, ACB, Letter Rc. No. 134/RCT-HND/2008- S.3, Dated: 19.3.2013.
7. Govt. Memo No.28933/Vig. II(1)/2008-7, Dated: 22.3.2013
8. Govt. Memo No.28933/Vig.II(2)/2008-8, Revenue(Vig. II) Department, Dated: 17.8.2013.
9. From Sri P. Shankaraiah, retired Tahsildar, Nalgonda District, representation, dated: 25.10.2013.

ORDER:

It has been brought to the notice of the Government by the investigation agency that Sri P. Shankaraiah, Tahsildar, Shaligouraram Mandal, Nalgonda District was trapped on 03.06.2008 when he demanded and accepted an amount of Rs.2,000/- as illegal gratification from Sri G. Narsaiah (complainant) for showing official favour for issuing caste, income and residence certificates to Itukulapadu villagers. The District Collector, Nalgonda placed Sri P. Shankaraiah, Tahsildar under suspension vide reference 2nd read above and the Accused Officer, while continuing under suspension, retired from service on attaining the age of superannuation on 31.01.2009.

2. In the reference 3rd read above, the Director General, Anti-Corruption Bureau, Hyderabad, after conducting enquiry into the matter, has furnished final report along with recommendations for prosecution of the Accused Officer in a court of law and to initiate departmental action against the individual for violation of APCS (Conduct) Rules 1964 and stated that the Accused Officer failed to submit Annual Property Returns during his entire service and other lapses.

3. In the reference 4th read above, Government accorded permission to prosecute the Accused Officer Sri P. Shankaraiah, Tahsildar (Retired) in a court of law. With regard to for violation of conduct rules, since the Accused Officer retired from service, action was initiated against the individual on 13.3.2009, under A.P. Revised Pension Rules 1980 read with rule 20 of A.P.C.S (CC&A) Rules, 1991 at Government level.

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4. In the reference 5th read above, the 1st Additional Special Judge for SPE and ACB Cases, City Civil Court, Hyderabad pronounced judgment and acquitted Sri P. Shankaraiah, retired Tahsildar from the corruption charge by giving benefit of doubt.

5. In the reference 6th read above, the Director General, Anti-Corruption Bureau requested the Government to accord permission to file Criminal Appeal against the acquittal judgment dt:31.12.2012 in CC No.22/2009. In the reference 7th read above, Government accorded necessary permission to the Director General, Anti-Corruption Bureau and accordingly, he filed Criminal Appeal before the High Court of Andhra Pradesh and the same is pending.

6. In respect of violation of conduct rules against Sri P. Shankaraiah, retired Tahsildar, the matter was got inquired into through the Commissioner of Inquiries and as per the inquiry report of Inquiring Authority, dt:7.9.2012 and the representation, dt:18.3.2013 of the individual thereon, Government taken a provisional decision to impose a punishment of 5% cut in pension permanently against him under rule 9 of A.P. Revised Pension Rules, 1980. Accordingly, communicated the above provisional decision calling for his representation vide reference 8th read above. The representation on this is awaited.

7. In the reference 9th read above, Sri P. Shankaraiah, retired Tahsildar, has submitted a representation stating that he is getting only provisional pension due to the case and the ACB Court, Hyderabad vide their judgment dt:31.12.2012 acquitted him from the criminal charge. As per the orders of Hon'ble High Court dated 28.1.2010 in W.P.Nos. 27607, 27614 & 22929/2008 also, he is eligible for pensionary benefits and requested to regularize his suspension period from 3.6.2008 to 31.1.2009 as "on duty" and to release all pensionary benefits.

8. Government have examined the matter keeping in view the orders of Hon'ble High Court of AP, dt: 28.1.2010 made in similarly situated cases in WP.No.27607, 27614 & 22929 of 2009 and accordingly, hereby order to release pension and pensionary benefits to Sri P. Shankaraiah, retired Tahsildar in the criminal case; without prejudice to the Criminal Appeal pending before the Hon'ble High Court and also keeping in view the provision under 9 of A.P. Revised Pension Rules, 1980. The suspension period undergone by the individual from 03.06.2008 to 31.01.2009 is regularized as "not on duty" under FR 54-(B) (5) (7), as the acquittal was on benefit of doubt.

9. The Chief Commissioner of Land Administration, AP, Hyderabad is informed that Sri P. Shankaraiah, retired Tahsildar is also facing violation of conduct rules case as per para 6 and the retired Tahsildar is eligible for provisional pension, till finalization of that case and requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Commissioner of Land Administration, AP, Hyderabad
The District Collector, Nalgonda.

Sri P. Shankaraiah, retired Tahsildar

through the Chief Commissioner of Land Administration, AP, Hyderabad.

Copy to

The Director General, Anti Corruption Bureau, Hyderabad.

The Secretary to VC, A.P. Vigilance Commission.

The Accountant General, AP, Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The Revenue(Ser.III) Department.

PS to Principal Secretary to Government, Revenue Department.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER